In the Drawings

In FIG. 3, please amend the figure in accordance with the annotations noted on the accompanying annotated version of the drawing, and substitute the drawing of the accompanying replacement therefor.

Attachments: FIG. 3 – Annotated Sheet

FIG. 3 – Replacement Sheet

REMARKS

The Examiner is thanked for the thorough examination of this application. The Office Action, however, has tentatively rejected all claims 1-19. For at least the reasons set forth herein, Applicant disagrees and requests reconsideration and withdrawal of the rejections.

The specification is amended, above, to include the patent number of the application cited by serial number on both pages 4 and 10 of the application.

FIG. 3 is also amended to correct a minor cosmetic irregularity. Specifically, the amendment to FIG. 3 modifies the appearance of the line routing from frame buffers 67, 68, and 69 to compositor 76. No substantive change is embodied in this amendment.

Discussion of Rejection under 35 U.S.C. § 101

The Office Action rejected claims 17-19 under 35 U.S.C. § 101 as allegedly directed to nonstatutory subject matter. Applicants have amended claims 17-19 to direct them to a "computer-readable medium comprising a computer program ...," which is clearly proper subject matter. Accordingly, the 35 U.S.C. § 101 rejections to claims 17-19 have been addressed and should be withdrawn.

Discussion of Rejection under 35 U.S.C. § 102

The Office Action rejected claims 1-19 under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent 6,501,441 (to Ludtke). For at least the reasons set forth below, Applicants disagree and respectfully request reconsideration and withdrawal of the rejections.

Independent claim 1 recites:

> 1. A method for configuring a plurality of networked slave computers to cooperate to collectively render a display comprising:

> *specifying, at a master computer, <u>compatible operating configuration</u>
> for each of the plurality of slave computers; and*
> communicating, across the network, *the specified configuration to
> each of the plurality of slave computers*.

(*Emphasis added.*) Claim 1 patently defines over Ludtke for at least the reason that Ludtke

fails to disclose the features emphasized above.

As clearly described in the specification of the present application, an objective of the

present invention is to configure, from a single source, a plurality of computers to operate in

"compatible" modes or states. In the specification, an example of "stereo" mode (see bottom

of page 7) was presented. The specification further described how the configuration

operation pertained to certain settings on the graphics cards of the various display computers.

The application of Ludtke, as teaching this feature, is misplaced. In this regard,

Ludtke states that the "master device 22 has the responsibilities of determining how the video

stream is partitioned among the display devices 24-40 within the multiple display

configuration and facilitating the partitioning of the video stream within the display devices

24-40." Simply stated, the partitioning of a video stream is not the same as "specifying ...

compatible operating configurations." As is clear from the description provided in the

present application, the claimed "compatible operating configuration" refers to the

configuration of the graphics hardware/software to enable the hardware/software to properly

render graphics on a display. In one non-limiting embodiment described in the specification,

this encompasses the configuration of the graphics cards of the display computers, so that the

display computers operate in a compatible configuration. Again, the example presented at the

bottom of page 7 explains how display computers could not operate compatibly if one were

configured to display graphics in "stereo" mode and another in "mono" mode. The

specification further notes (top of page 8) that it is not necessary that the display computers be

configured to operate in "identical" states, but only "compatible" states; a distinction that will be appreciated by persons skilled.

Ludtke teaches no such corresponding or anticipatory teaching. The Office Action cited col. 19, lines 53-66 as allegedly teaching this claimed feature: it does not. This cited portion of Ludtke actually states:

> Preferably, the management support and controls for the multiple display configuration are exposed to control devices on the IEEE 1394-1995 serial bus network, allowing the control devices to issue commands to the master device concerning the configuration of the multiple display configuration. *These commands allow the control device and the user, through the control device, to specify controls such as which display devices are to be used within the multiple display configuration, the configuration and orientation of the image on the multiple display configuration and other appropriate characteristics. Within this preferred embodiment, a configure command is utilized by a control device to initially set up a multiple display configuration and to change an existing multiple display configuration.*

(*Emphasis added.*) Further, the text that immediately follows this quotation includes exemplary configuration commands. From these commands, it is clear the "configuration" in Ludtke refers to display resolution and video stream partitioning, as opposed to a compatible operating configuration (e.g., operating modes or states).

More specifically, the "configuration" referred to in this portion of Ludtke refers to the identification of which displays will cooperate to display an image (single logical screen) and the orientation of the image. Significantly, it does not disclose or suggest the configuration of each of the cooperating computers in a "compatible" configuration, as required by claim 1, to properly render graphics to a display (e.g., preamble of claim 1 calls for networked slave computers that "cooperate to collectively render a display"). In this regard, Ludtke discloses nothing more than that which Applicants characterized as known prior art (see background section of present application). Applicants' background section acknowledged single logical display systems, wherein a plurality of display computers were

configured to cooperatively display a single display image. Implicit in such a system is a central mechanism for partitioning the video stream among the various display computers. However, as characterized in the present specification, the known systems required independent and individual configuration of the graphics cards of each of the cooperating display computers. Ludtke is silent on this aspect, and certainly fails to disclose a configuration, whereby a master computer specifies a compatible operating configuration for the plurality of computers, as claimed by claim 1.

Further to this point, claim 1 specifies "communicating ... the specified configuration to each of the plurality of slave computers." This ensures that all of the cooperating slave computers are compatibly configured.

For at least this reason, the rejection of claim 1 is misplaced and should be withdrawn. Claims 2-7 each depend from claim 1 and the rejections of these claims should be withdrawn for at least the same reasons.

Claims 8-16

The Office Action rejected claim 8 as allegedly anticipated by Ludtke. Independent claim 8 recites:

> 8. A method for configuring a plurality of networked computer clusters to cooperate to collectively render a plurality of displays comprising:
> *specifying*, at a head computer, ***configuration information for each of a plurality of master computers***;
> communicating, across the network, the specified configurations to each of the plurality of master computers;
> ***specifying, at each master computer, compatible operating configuration for each of a plurality of slave computers; and***
> communicating, across the network, the configuration by each master computer to each of the plurality of slave computers of a computer cluster associated with a given master computer.

(*Emphasis added.*)

Applicants respectfully submit that independent claim 8 defines over Ludtke for at least the same reasons set forth above in connection with claim 1. In this regard, the last two elements of claim 8 loosely correspond to the elements of claim 1, and for at least this reason, claim 8 defines over Ludtke. In addition, the first two elements of claim 8 define an expanded system having a plurality of master computers, and a head computer over each of all of the master computers. No such teaching is found or even remotely suggested in Ludtke. The Office Action, however, takes the position that such a teaching is "inherent" in Ludtke. Such a rejection embodies a fundamentally misplaced understanding and application of the doctrine of inherency.

The Federal Circuit has clearly-established precedence to this legal concept. To this end, the undersigned respectfully directs the Examiner's attention to the decision of *Elan Pharms. v. Mayo Found. for Med. Educ. & Research*, 304 F.3d 1221 (Fed. Cir. 2002), in which the Federal Circuit <u>reversed</u> a finding of inherency by a district court. In this opinion, the Court of Appeals for the Federal Circuit emphasized:

> An anticipating reference "must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter." *PPG Industries, Inc. v. Guardian Industries Corp.*, 75 F.3d 1558, 1566, 37 USPQ2d 1618, 1624 (Fed. Cir. 1996). When [a rejection] is based on inherency of limitations not expressly disclosed in the assertedly anticipating reference, it must be shown that the undisclosed information was known to be present in the subject matter of the reference. *Continental Can Co. USA, Inc. v. Monsanto Co.*, 948 F.2d 1264, 1269, 20 USPQ2d 1746, 1749-50 (Fed. Cir. 1991). ***An inherent limitation is one that is necessarily present; invalidation based on inherency is not established by "probabilities or possibilities."*** *Scaltech, Inc. v. Retec/Tetra, LLC.*, 178 F.3d 1378, 1384, 51 USPQ2d 1055, 1059 (Fed. Cir. 1999).

(*Emphasis added.*)

This discussion by the Federal Circuit is certainly nothing new. The law surrounding the doctrine of inherency has not changed for over 60 years. In fact, the Federal Circuit has

repeatedly quoted the language from the 1939 decision *Hansgirg v. Kemmer*, 26 C.C.P.A. 937, 102 F.2d 212, 214, 40 U.S.P.Q. (BNA) 665, 667 (CCPA 1939)), which stated "Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing *may* result from a given set of circumstances is not sufficient."

The Manual of Patent Examining Procedure (M.P.E.P.) also embodies these requirements. Specifically, MPEP 2112, in part, states:

> The fact that a certain result or characteristic **_may_** occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic.... To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in they thing described in that reference, and that it would be so recognized by persons of ordinary skill.

(*Emphasis in original*).

In contrast to these legal and procedural requirements, the Office Action has, unfortunately, substituted its own subjective judgment in place of the actual teachings of the Ludtke, in a manner that embodies clear (and improper) hindsight. In this regard, the Office Action has stated only that the claimed features embodying the "specifying, at a head computer, configuration information for each of a plurality of master computers" and "communicating ... the specified configurations to each of the plurality of master computers," are inherent in the teachings of Ludtke. This is clearly a situation where, at best, such a teaching that <u>may</u> be consistent with the other teachings of Ludtke, but is certainly not <u>necessarily</u> present. Such situations are specifically addressed in the M.P.E.P. and Federal Circuit precedent, and do not constitute proper teachings for supporting a rejection of the claimed subject matter, under the doctrine of inherency. As one (of a number) simple example, each of the master computers could be separately (manually) configured (rather than

being configured from a head computer). This simple example of an alternative is sufficient to negate the application of the doctrine of inherency.

For at least this additional reason, the rejection of claim 8 is misplaced and should be withdrawn. Claim 9-16 depend from claim 8 and therefore patently define over Ludtke for at least the same reaons.

Claims 17-19

The Office Action (p. 5) rejected independent claim 17 "for the same reason" as claim 1. Therefore, for at least the reasons set forth above in connection with claim 1, the rejection of claim 17 should be withdrawn.
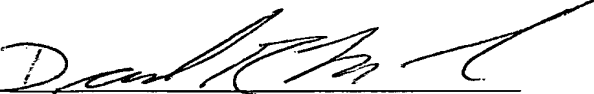
CONCLUSION

Applicants respectfully submit that all claims are now in proper condition for allowance, and respectfully request that the Examiner pass this case to issuance. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

No fee is believed to be due in connection with this Amendment and Response to Office Action. If, however, any fee is deemed to be payable, you are hereby authorized to charge any such fee to Hewlett-Packard Company's Deposit Account No. 08-2025.

Respectfully submitted,

By: _____
Daniel R. McClure
Registration No. 38,962

770-933-9500

Please continue to send all future correspondence to:

Hewlett-Packard Development Company, L.P.
Intellectual Property Administration
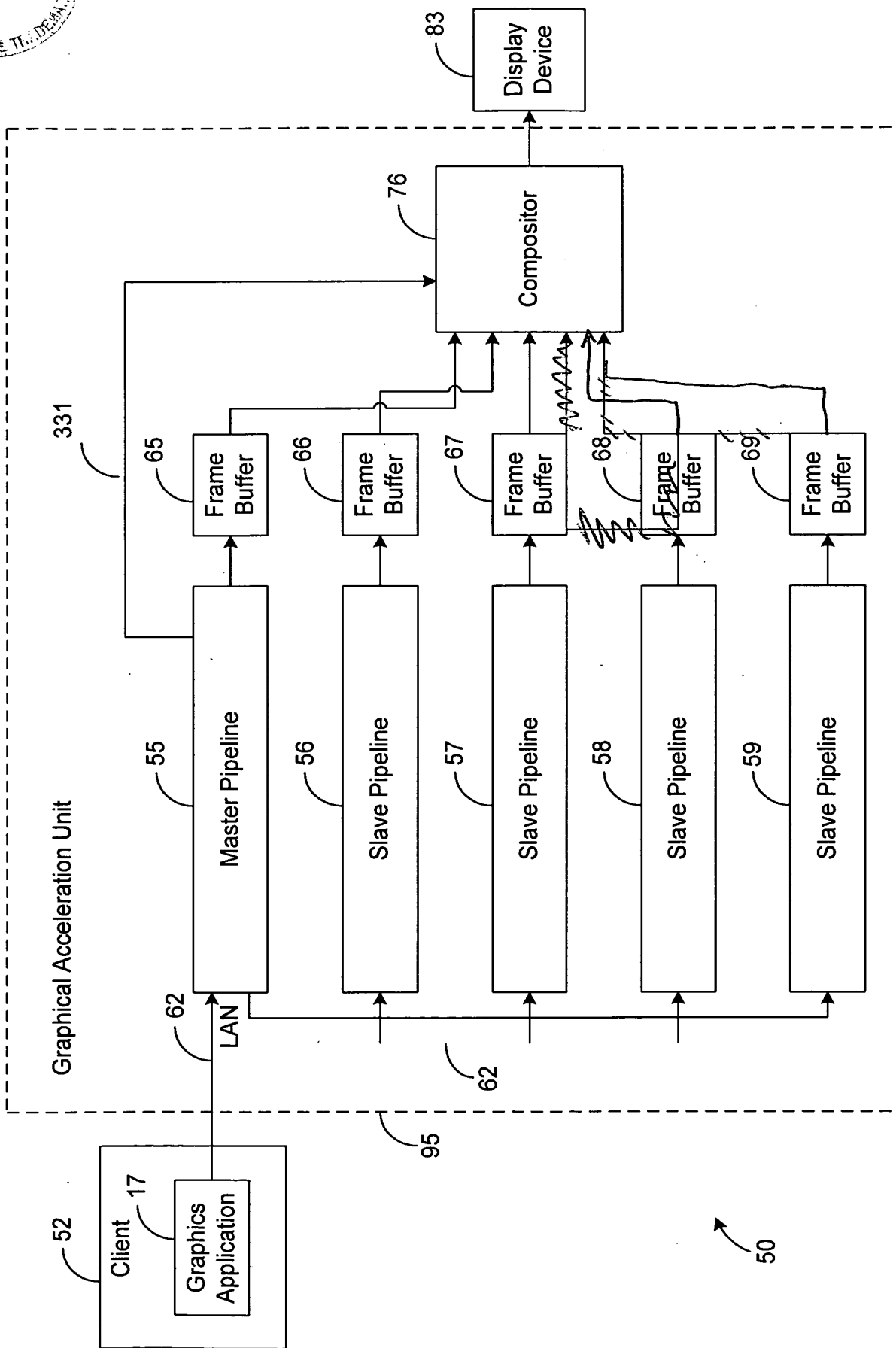P.O. Box 272400
Fort Collins, Colorado 80527-2400

FIG. 3